

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5283 of 2021

Arising Out of PS. Case No.-01 Year-2020 Thana- BIHARIGANJ District- Madhepura

1. SADANAND MANDAL Son of Sukhdev Mandal Resident of Village-Makkari, P.S.-Bihariganj, District-Madhepura.
2. Bambam Mandal Son of Jay Prakash Mandal Resident of Village-Makkari, P.S.-Bihariganj, District-Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 13-12-2021 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

At the outset, learned counsel for the petitioners has submitted that during the pendency of this anticipatory bail application, the petitioner no.2 Bambam Mandal has been arrested and, as such, the application has become infructuous. He, therefore, seeks permission to withdraw the application as against petitioner no. 2.

In view of the aforesaid submission, the application is dismissed as withdrawn as having become infructuous, as against petitioner no.2.



Heard the learned counsel for the petitioner no.1 and the learned APP for the State.

The petitioner no. 1 apprehends his arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 326 and 307 of the Indian Penal Code and Section 27 of the Arms Act, registered in connection with Bihariganj P.S.Case No. 01 of 2020.

As per the allegation, altogether 10 accused persons named in the FIR along with 20-25 unknown persons assaulted the informant and his brother. The allegation against petitioner no.1 is that he fled away after opening fire at the place of occurrence.

Learned counsel for the petitioner no.1 has submitted that there is case and counter case. There is land dispute between the parties as has been mentioned in paragraph no. 9 of the bail petition. He has also submitted that the allegation against petitioner nos. 1 Sadanand Mandal is that of opening fire, but neither any person sustained fire-arm injury nor any incriminating articles, empty cartridge etc. was recovered from the place of occurrence.

Considering the above-mentioned facts and circumstances, let the petitioner no.1 Sadanand Mandal in the



event of his arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each, to the satisfaction of learned Sub Divisional Magistrate, Uda-Kishunganj, Madhepura in connection with Bihariganj P.S.Case No.01 of 2020, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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